

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. After amending the claims as set forth above, claims 19-25 are now pending in this application.

Applicants wish to thank the Examiner for the careful consideration given to the claims.

Priority under 35 U.S.C. 119

The Office Action Summary (PTOL-326) indicates that only some of the certified copies of the priority documents have been received. The present application is a national phase of a PCT application, and it is respectfully submitted that all the copies of the certified copies of the priority documents have been received by the PTO. For example, the priority document, DE 102 27 926.8 has been posted to the PTO's Patent Application Information Retrieval (PAIR) system on December 20, 2004. Accordingly, acknowledgement of all copies of the certified copies of the priority documents is respectfully requested.

Information disclosure statement

Applicants have received an initialed and signed information disclosure statement (IDS), which was filed on December 13, 2007. However, it appears that reference A22 (WO 01/34417 A1) has been initialed as being considered and crossed out as not being considered. It is respectfully requested that the A22 reference be considered, and a signed copy of the IDS with the A22 reference initialed be sent to the Applicants with the next office communication.

Rejection of claims 19-20, 22-23, and 25 based on Tsunooka

Claims 19-20, 22-23, and 25 are rejected under 35 U.S.C. 102(b) as allegedly being anticipated by U.S. Patent 6,230,795 ("Tsunooka"). For at least the following reasons, this rejection is traversed.

Claim 19 (as amended) recites, among other things, a heating and/or air conditioning system comprising a housing which comprises a plurality of housing segments. At least one of the housing segments is an insertion part which comprises at least one functional unit, with at least one means for air conduction, a warm air feed, a cold air feed, at least one mixer valve, or any combination thereof. The insertion part can be inserted into a receiving space in the remainder of the housing of the heating and/or air conditioning system such that a plurality of external wall portions of the insertion part abutting and adjacent to external wall

portions of the remainder of the housing form an exterior surface of the housing along with the abutting and adjacent external wall portions of the remainder of the housing. Tsunooka does not teach or suggest this combination of features.

For instance, Tsunooka merely discloses an air duct 37 that fits over the opening portion 36. (Fig. 2 of Tsunooka.) The air duct 37 of Tsunooka cannot be inserted into a receiving space in the remainder of the case 11 because it fits over the opening portion 36. Also, because the air duct 37 fits over the opening portion 36, the adjacent and abutting external wall portions of the air duct 37 and the opening portion 36 does not form an external surface of the housing. Because Tsunooka does not teach or suggest an insertion part that can be inserted into a receiving space in the remainder of the housing of the heating and/or air conditioning system such that a plurality of external wall portions of the insertion part abutting and adjacent to external wall portions of the remainder of the housing form an exterior surface of the housing along with the abutting and adjacent external wall portions of the remainder of the housing, claim 19 is allowable over the prior art.

It is noted that the PTO has asserted that “the elements [of claim 19] have to include the mixer valve.” (Paragraph 2 of the Office Action.) It is respectfully submitted that the features of the claims do not require that the mixer valve be necessarily present. The fact that the disclosed preferred embodiment of the present invention includes a mixer valve does not mean that the claims require such an element. As stated in MPEP 2145, “[a]lthough the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).” The assertion that there is no support for the claims so as to not include the mixer valve is essentially arguing that the claims are too broad because the mixer valve is not claimed. However, as stated in MPEP 2173.04, “[b]readth of a claim is not to be equated with indefiniteness. *In re Miller*, 441 F.2d 689, 169 USPQ 597 (CCPA 1971).” Accordingly, the requirement that the claims must include the mixer valve is contrary to the case law and the language of claim 19.

Claims 20, 22-23, and 25 depend from and contain all the features of claim 19, and are allowable for the same reasons as claim 19, without regard to the further patentable features contained therein.

For at least these reasons, favorable reconsideration of the rejection is respectfully requested.

Rejection of claims 21 and 24 based on Tsunooka and Bauer

Claims 21 and 24 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Tsunooka in view of U.S. Patent 3,550,522 ("Bauer"). Claims 21 and 24 depend from claim 21. As previously mentioned, Tsunooka does not teach or suggest an insertion part that can be inserted into a receiving space in the remainder of the housing of the heating and/or air conditioning system such that a plurality of external wall portions of the insertion part abutting and adjacent to external wall portions of the remainder of the housing form an exterior surface of the housing along with the abutting and adjacent external wall portions of the remainder of the housing. Bauer does not cure these deficiencies. Thus, no combination of Tsunooka and Bauer teaches or suggests all the features of claim 19 and its dependent claims 21 and 24. For at least these reasons, favorable reconsideration of the rejection is respectfully requested.

Conclusion

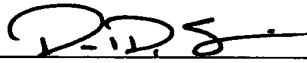
Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 6/19/08

By 

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